

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
Plaintiff, :
v. : Criminal Action No. 08-02
GARY JOHNSON, :
Defendant. :

**DEFENDANT'S JOINT MOTION FOR POSTPONEMENT
OF DETENTION HEARING**

Defendant, Gary Johnson, by and through his undersigned counsel, Edson A. Bostic, Federal Public Defender, hereby moves this Court for an Order postponing the Detention Hearing in this case.

In support of this motion, Mr. Johnson avers as follows:

1. On or about November 14, 2007, Mr. Johnson was charged by way of a Criminal Complaint with Forcibly Assaulting two Federal Employee in violation of 18 U.S.C. § 111(a)(1) and (b).

2. Mr. Johnson made his Initial Appearance on January 10, 2008, at which time a Detention hearing was scheduled for January 15, 2008. (Although he was initially arrested on November 14, 2007, the Initial Appearance could not go forward due to competency concerns.)

3. On January 14, 2008, pursuant to a joint request by the parties, a postponement was granted of the Detention Hearing in this matter. This written filing supplements that oral request and outlines the reasons for the postponement.

4. The postponement was necessary to permit the parties to attempt to obtain: 1) the Defendant's treatment records from the Federal Detention Center (FDC) in Philadelphia; 2) attempt to obtain a copy of his regiment of medicine, including dosage and frequency; 3) attempt to arrange for the FDC to provide Defendant with sufficient medicine or a prescription to obtain such medicine, should he be released by the Court; and 4) to determine whether the Defendant can obtain mental health treatment at the VA Hospital in Philadelphia, instead of the Delaware VA Hospital where the incident occurred.

5. Additionally, allowing the postponement also permits the parties to potentially reach some accommodation regarding the government's request for detention of the Defendant. 6 .

Since the postponement is in the best interest of the Defendant, in that resolution of the above outstanding issues may be helpful in gaining his release from custody, Mr. Johnson, through Counsel, waives his Speedy Trial right from the time of the oral application for postponement until the Detention Hearing his held.

7. Finally, the parties and the Probation Department respectfully request that this Court consider listing this matter for the afternoon of Tuesday, January 22, 2008, if to do so is consistent with this Court's calendar.

WHEREFORE, the Defendant, Gary Johnson, respectfully requests that this Court issue an Order postponing the Detention Hearing in this matter.

Respectfully submitted,

_____/s/_____
Seth M. Beausang, Esquire
Assistant United States Attorney

_____/s/_____
Edson A. Bostic, Esquire
Federal Public Defender

Dated: January 15, 2008

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FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff,
v. : : Criminal Action No. 08-02
: GARY JOHNSON, :
: Defendant.

ORDER

Having considered Defendant Johnson's Joint Motion for Postponement of Detention Hearing,

IT IS HEREBY ORDERED this _____ day of _____, 2008, that Defendant Johnson's Detention Hearing shall held on the _____ day of _____, 2008, and that the time from January 15, 2008 up to the new date of the Detention Hearing, shall be excluded under the Speedy Trial Act (18 U.S.C. § 3161, et seq.).

The Honorable Leonard P. Stark
United States District Court